

Drawing Amendments

Please add new Figure 12 to the drawings of the subject application to overcome the objection under 37 CFR 1.83(a). A new sheet for Figure 12 is included in Appendix A.

Remarks

The Office has rejected Applicant's claim 1-10, 12, 15-17, 19, 25 and 26 under 35 U.S.C. § 103(a) as being unpatentable over Steingraber in view of Nicolai. Applicant has canceled claim 26 and amended independent claim 1 to include the limitations of dependent claims 4-8 in order to more clearly claim the patentable features of Applicant's invention that distinguish the invention over the reference art cited by the Office. These amended limitations of claim 1, as well as the amendments to claims 9 and 10 are fully described in the specification as filed, and particularly with reference to Figure 2 and the associated description.

Response to Claim Rejections Under 35 U.S.C. §103(a)

The following issue is presented: Whether claims 1-10, 12, 15-17, 19 and 25 are obvious under 35 U.S.C. § 103(a) as being unpatentable over Steingraber in view of Nicolai. If examination at the initial stage does not produce a *prima facie* case of unpatentability, then without more, the applicant is entitled to the grant of the patent. The Office bears the initial burden of establishing a *prima facie* case of obviousness. *See In re Piasecki*, 223 USPQ785, 788 (Fed. Cir. 1984). To establish a *prima facie* case of obviousness, three basic criteria must be met. First, there must be some suggestion or motivation, either in the references themselves or in the knowledge generally available to one of ordinary skill in the art, to modify the references or to combine reference teachings. Second, there must be a reasonable expectation of success. Finally, the prior art reference (or references when combined) must teach or suggest all claim limitations. The teaching or suggestion to make the claimed combination and the reasonable expectation of success must both be found in the prior art, and not based on Applicant's disclosure. *In re Vaeck*, 20 USPQ2d 1438 (Fed. Cir. 1991), MPEP § 2142 and § 2143.

Applicant's claimed invention is an amusement ride comprising a ride body and one or more resilient elastomeric support structures formed of polyurethane, each support structure comprising an elastomeric body that includes a first connection formation for connection with a supporting foundation, a second connection formation for connection with a ride body, and a connection region interconnecting the first and second connection formations.

Consider the first element of Applicant's amended independent claim 1, a first connection formation for connection with a supporting foundation including a first securing region disposed such that material of the elastomeric body is held substantially in compression by a fastener. There is no disclosure in Steingraber or Nicolai of a securing region in an elastomeric body where the material of the elastomeric body is held substantially in compression. It is essential for long life and for safety of playground equipment that the elastomeric material used in ride support structures is loaded essentially in compression at the interconnection regions with the ride and mounting base. The first element of claim 1 further includes means for securing the first connection formation to a supporting foundation, including a first flange formed in the elastomeric body, one or more securing formations that interact with fasteners to secure the elastomeric structure first flange in compression to the supporting foundation, and each securing formation including holes through which fasteners such as bolts are passed. There is no disclosure in the Steingraber reference or the Nicolai reference of reliance on a flange of the elastomeric body in compression for connection to a mounting foundation, as claimed in this first element of Applicant's claim 1. The Steingraber reference relies on adhesion between an elastomeric body 35 and an additional mounting member 25 to secure the elastomeric body 35 to a supporting foundation.

Consider the second element of Applicant's amended independent claim 1, a second connection formation for connection with a ride body including a second securing region disposed such that material of the elastomeric body is held substantially in compression by a fastener. There is no disclosure in Steingraber or Nicolai of a securing region in an elastomeric body where the material of the elastomeric body is held substantially in compression. It is essential for long life and for safety of playground equipment that the elastomeric material used in ride support structures is loaded essentially in compression at the interconnection regions with the ride and mounting base. The second element of claim 1 further includes means for securing the second connection formation to a ride body, including a second flange formed in the elastomeric body, one or more securing formations that interact with fasteners to secure the elastomeric structure first flange in compression to the ride body, and each securing formation including holes through which fasteners such as bolts are passed. There is no disclosure in the Steingraber reference or the Nicolai reference of reliance on a flange of the elastomeric body in compression for connection to a ride body, as claimed in this second element of Applicant's claim 1. The Steingraber reference relies on adhesion and concave wall between an elastomeric body 35 and a mounting member 36 to secure the elastomeric body 35 to a ride body.

The third element of Applicant's claim 1 includes a connection region interconnecting the first and second connection formations.

When Applicant's claimed invention is taken as a whole, it comprises an elastomeric support structure that includes a first and second connection formation mated by a connection region, the first and second connection formation relying on two flanges of the elastomeric body in compression for connection to a support structure and a ride body. Although the Steingraber reference discloses a first and second connection formation, Applicant's first and second

connection formations are patentably distinct from those disclosed by Steingraber. It is inevitable over time that the grip of the elastomeric material in the mounting members 25, 36 disclosed in the Steingraber will eventually lessen, causing failure such that the supporting shaft and supporting foundation will part from the elastomeric body. There is no disclosure in the Steingraber reference of elastomeric flanges held in compression to provide a connection formation. Close inspection of Figure 3 of the Steingraber reference shows that the metal flange 25 is positioned below the flanged portion of the elastomeric body 10. Thus, the flange 25 or the mounting member 36 does not compress the elastomeric material of the Steingraber reference. There is no disclosure of a flange in compression in Column 2, lines 57-60 of Steingraber. There is no disclosure in the Steingraber reference of compressive clamping action in a region of a mounting member. There is no comparable disclosure of Applicants claimed invention in the Steingraber reference or the Nicolai reference.

Since independent claim 1 has been shown above to be not unpatentable under Steingraber and Nicolai, the claims depending on independent claim 1 are also not unpatentable. Therefore claims 2, 3, 9, 10, 12, 15-17, 19 and 25 are also not unpatentable under Steingraber and Nicolai.

Furthermore, consider Applicant's dependent claim 9, there is no disclosure in either the Steingraber reference or the Nicolai reference of including a reinforcement member as part of a connection formation. Regarding Applicant's claim 10, there is no disclosure in either the Steingraber reference or the Nicolai reference of including a reinforcement member that includes an annular element of metal that lies on or adjacent to the first flange and the second flange that are formed integrally with the elastomeric body and holds the first flange and the second flange in compression. Considering claim 12, there is no disclosure in either the Steingraber reference

or the Nicolai reference of the support structure being formed integrally with the ride structure. Considering claim 19, there is no disclosure in either the Steingraber reference or the Nicolai reference of an amusement ride in which regions of the ride body with which a rider makes direct contact are integrally skin formed.

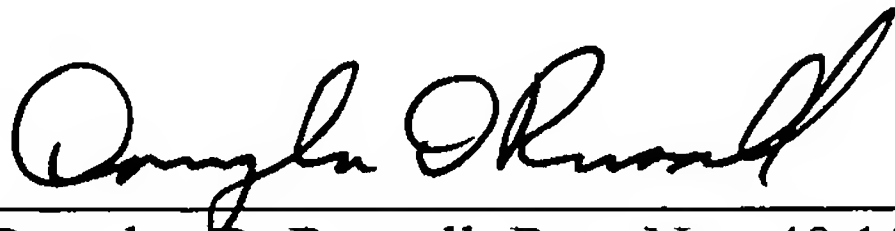
Summary

Applicants believe that the responses detailed above substantiate the nonobviousness of Applicant's claimed invention over the cited references. Since the rejections are unsupported for failure to find all Applicant's claim limitations in the cited references, Applicant requests that the rejection of the claims be withdrawn. Applicant also requests reconsideration of the decision by the Office to make the second Office Action final.

Applicant has made a diligent effort to distinguish the present invention over the referenced art. However, should there remain unresolved issues that require adverse action, it is respectfully requested that the Examiner telephone Douglas D. Russell, Applicant's Attorney at 512-338-4601, so that such issues may be resolved as expeditiously as possible. For these reasons, this application is now considered to be in condition for allowance and such action is earnestly solicited. Reconsideration and further examination is respectfully requested.

Respectfully Submitted,

June 27, 2005
Date



Douglas D. Russell, Reg. No. 40,152
Attorney for Applicants

TAYLOR RUSSELL & RUSSELL, P.C.
4807 Spicewood Springs Road
Building Two Suite 250
Austin, Texas 78759
Tel. 512-338-4601
Fax. 512-338-4651
Email: drussell@russell-law.com